

REMARKS/ARGUMENTS

1. Election/Restriction

5 The application contains claims directed to at least the following
patentably distinct species:

10 Species I, drawn to a touch panel comprising a panel layer for
outputting a corresponding touch signal to a processor
when pressed, wherein the panel layer is installed between
an electromagnetic apparatus and a plurality of display
units [as described in figure 5 and at paragraph 29, lines
1-3 of the instant specification, for instance]; and

15 Species II, drawn to a touch panel comprising a panel layer for
outputting a corresponding touch signal to a processor
when pressed, wherein the panel layer is installed above
a plurality of display units [as described at paragraph 29,
lines 3-7 of the instant specification, for instance].

20 Wherein both Species I and II are directed to at least the following
patentably distinct sub-species:

25 Sub-Species A, drawn to a capacitive panel layer [as described at
paragraph 28 of the instant specification, for instance]; and

Sub-Species B, drawn to a resistive panel layer [as described at
paragraph 23 of the instant specification, for instance].

The species are respectively independent or distinct because the species do not overlap in scope, i.e., are mutually exclusive; the species are not obvious variants; and the species have a materially different design,
5 mode of operation, function, and effect.

Applicants are required under 35 U.S.C.121 to elect a single disclosed species (and sub-species) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.
10 Currently, claims 1-4 and 9-18 appear to be generic to the aforementioned species.

Response:

15 Applicants hereby elects species II and sub-species A in response to the above restriction requirement. The claims readable upon the elected species are claims 6 and 7. Claim 5 is canceled and claim 8 is withdrawn from consideration in the instant application. No new matter is introduced.

20

2. Request for reconsideration of the restriction requirement under 37 CFR 1.143.

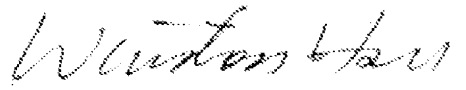
Applicants believe that the present application does not need a
25 sub-species election. Species A (defined by claim 7) of the present application discloses the panel layer is a capacitive panel layer. And species B (defined by claim 8) discloses the panel layer is a resistive panel layer. Claims 7 and 8 are amended to depended upon Claim 6. When the

panel layer is installed above the plurality of display units, the panel layer can be a capacitive panel layer or a resistive panel layer. The electromagnetic apparatus installed below the plurality of display units and for generating a magnetic field to attract magnetic materials does not
5 influence the operation of the capacitive panel layer or the resistive panel layer. Claims 7 and 8 disclose two kinds of panel layers for the present application. Applicants believe that there is no conflict between claims 7 and 8 based on the reason described above. Therefore, applicants believe that sub-species A and sub-species B of the present application should be
10 grouped together and should not be patentably distinct. Reconsideration of this sub-species restriction requirement is hereby requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

15

Sincerely yours,



Date: 01.10.2008

Winston Hsu, Patent Agent No. 41,526

20 P.O. BOX 506, Merrifield, VA 22116, U.S.A.

Voice Mail: 302-729-1562

Facsimile: 806-498-6673

e-mail : winstonhsu@naipo.com

25 Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 13 hours behind the Taiwan time, i.e. 9 AM in D.C. = 10 PM in Taiwan.)